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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,728	05/01/2002	Abraham J. Domb	PG 101	6100
23579	7590	11/08/2004	EXAMINER	
PATREA L. PABST PABST PATENT GROUP LLP 400 COLONY SQUARE SUITE 1200 ATLANTA, GA 30361			KRISHNAN, GANAPATHY	
			ART UNIT	PAPER NUMBER
			1623	

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/031,728	<b>Applicant(s)</b> DOMB, ABRAHAM J.	
	<b>Examiner</b> Ganapathy Krishnan	<b>Art Unit</b> 1623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

The amendment filed 8/24/2004 has been received, entered and carefully considered.

The following information provided in the amendment affects the instant application:

1. Claims 1-3, 6, 8, 15, 17 and 19 have been amended.
2. Remarks drawn to rejections under 35 USC 112, second paragraph, 102 and 103

Claims 1-19 are pending in the case.

The text of those sections of Title 35, U. S. Code not included in this action can be found in a prior Office action.

### ***Specification***

The objection to the disclosure at page 5, line 16 of the specification for the typographical error of the citation WO 97/462 is being maintained.

### ***Claim Rejections - 35 USC § 112***

The rejection of claims 3, 5, 6, 8, 15-17 and 19 has been overcome by amendment.

The rejection of claims 2 and 10-13 are being maintained for reasons of record.

Applicant argues that one of ordinary skill in the art would understand the terms alginates and dextrans to mean dextran and alginate polymers of different molecular weights. This argument is not found to be persuasive. Even though the claims recites limitations with respect to the number of saccharide units it can still be a derivative comprising additional substituents.

The rejection of claim 10 for clarity of the term oligomers has been overcome by applicants' remarks. The rejection of claim 10 is being maintained for the recitation of the term

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derivatives. Applicants argue that the specification discloses a number of derivatives and one of ordinary skill in the art would understand what is claimed when the claim is read in light of the specification. This is not found to be persuasive. The claim has to recite the specific derivatives intended. Limitations recited in the specification cannot be read into the claims.

The rejection of claims 11-13 for the clarity of the term oligomers has been overcome.

The following new rejections are made of record.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 depends on itself. This renders the claim indefinite.

Claim 13 recites the limitation "amphiphilic residue" in claim 11. There is insufficient antecedent basis for this limitation in the claim. Claim 13 is also seen as a duplicate of claim 11.

### ***Double Patenting***

The provisional obviousness type double patenting rejection of claims 1-19 as being unpatentable over claims 1-24 of copending Application No. 10/044,538 is being maintained for reasons of record.

Applicants argue that instant claim 1 is drawn to a composition comprising a linear polysaccharide and that the polysaccharide of the instant invention has an oligoamine directly

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grafted to it unlike the polysaccharide recited in the copending application that has the oligoamine not directly grafted to it.

This argument is not found to be persuasive. Irrespective of whether the polysaccharide is linear or if it has the oligoamine grafted directly or not the claims are still seen as substantially overlapping and a patentable distinction is not seen. A terminal disclaimer has to be filed to overcome this rejection.

#### ***Claim Rejections - 35 USC § 102***

The rejection of claims 1, 5, 7, 12-16 and 18 as being anticipated by Jung et al (WO 93/25239) has been overcome by amendment.

#### ***Claim Rejections - 35 USC § 103***

The rejection of claims 1, 2, 4, 6, 8, 9 and 17-18 as being unpatentable over Jung et al (WO 93/25239) in combination with RU 2027190 and Domb (US 6011008) has been overcome in view of applicant's arguments.

#### ***Conclusion***

Claims 1-19 are rejected

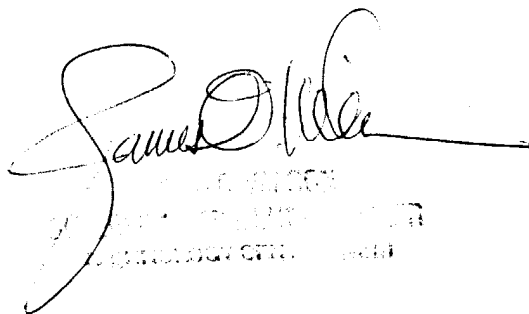
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ganapathy Krishnan whose telephone number is 571-272-0654. The examiner can normally be reached on 8.30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GK



James O. Wilson  
Supervisor  
Patent Examination Center